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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 JOHN ROBERT DEMOS, JR,

NO. C12-1770-RSM

10 Plaintiff,

11 v.

ORDER OF DISMISSAL

12 M. HOTTHE, *et al.*,

13 Defendants.

14 This matter comes before the Court upon Plaintiff John Robert Demos Jr.'s Objections to
15 Magistrate Judge Donohue's Report and Recommendation. Dkt. # 7. Plaintiff Demos contends
16 that he is not a "prisoner" under 28 U.S.C. 1915(g) because the Clallam County Superior Court
17 scheduled a show cause hearing upon Demos's petition for issuance of a writ of habeas corpus.
18 As Mr. Demos is currently incarcerated, however, he continues to meet the criteria of a prisoner
19 under the statute. 28 U.S.C. 1915(h) ("prisoner" refers to "any person incarcerated or detained in
20 any facility . . ."). The Court, having reviewed the Report and Recommendation of the Honorable
21 James P. Donohue, United States Magistrate Judge, the objections to that, and the remaining
22 record, finds and Orders as follows:
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- 24 1. The Court ADOPTS the Report and Recommendation;
25 2. Plaintiff's application to proceed *in forma pauperis* (Dkt. 1) is DENIED;
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- 1 3. This matter is DISMISSED without prejudice in accordance with standing bar orders, *see*
2 *In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re*
3 *Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982);
4 and
5 4. The Clerk shall send a copy of this Order to plaintiff and to Judge Donohue.

6 DATED this 19 day of December 2012.
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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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